

GILLESPIE, ROZEN, WATSKY & JONES, P.C
James A. Jones*
jaj@grwlawfirm.com
3402 Oak Grove Ave.
Dallas, TX 75204
(204) 720-2009; Fax (212) 720-2219
* Admitted Pro Hac Vice

KINGSLEY & KINGSLEY, APC
George R. Kingsley, SBN-38022
Eric B. Kingsley SBN-185123
Email: eric@kingsleykingsley.com
Gregory Givens, SBN-
16133 Ventura Blvd., Suite T200
Encino, CA 91436
(818) 990-8300; Fax (818) 990-2903

SPIRO MOSS BARNES LLP
Ira Spiro, SBN-67641
ira@spiromoss.com
Gregory N. Karasik, SBN-115834
greg@spiromoss.com
Justian Jusuf, SBN-201507
Justian@spiromoss.com
11377 West Olympic Blvd., 5th Floor
Los Angeles, CA 90064
(310) 235-2468; Fax (310) 235-2456

Attorneys for Plaintiff
MARC BRODY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARC BRODY, , on behalf of himself
and others similarly situated,

Plaintiff,

vs.

ASTRAZENECA
PHARMACEUTICALS LP; and DOES
1 to 50, Inclusive,

Defendants.

Case No. CV06-6862 ABC (MANx)

DECLARATION OF JAMES A.
JONES IN SUPPORT OF
PLAINTIFF'S RESPONSE TO
DEFENDANT'S MOTION FOR
SUMMARY JUDGEMENT

[FILED UNDER SEAL PURSUANT
TO GEN. ORDER 08-02, AND THE
PARTIES' 1/17/08 STIPULATION
AND PROTECTIVE ORDER]

Date: TBD
Time: TBD
Courtroom: 680

1 I, James A. Jones, state as follows:

2 1. I am a member of the bar of the State of Texas, am admitted in this case
3 Pro Hac Vice, and am a name partner in the law firm of Gillespie, Rozen, Watsky &
4 Jones, P.C., counsel for Plaintiff Marc Brody and the Class. I make this declaration
5 in support of Plaintiff's Response to Defendant's Motion for Summary Judgment.
6 This declaration is based on my personal knowledge and, if called by a court of law,
7 I could and would competently testify to the facts set forth therein.

8 2. Attached as Exhibit 1 is a true and correct copy of relevant excerpts
9 from the Deposition of Marc Brody, taken in this matter on November 7, 8 and 9,
10 2007.

11 3. Attached as Exhibit 2 is a true and correct copy of relevant excerpts
12 from the deposition of Cindy Atha, Area Sales Director for AstraZeneca's CNS
13 division in the western part of the United States, taken in this matter on February 28,
14 2008.

15 4. Attached as Exhibit 3 is a true and correct copy of relevant excerpts
16 from the deposition of Debra Martin Ventura, Director of Sales Training at
17 AstraZeneca, taken in this matter on January 11, 2008.

18 5. Attached as Exhibit 4 is a true and correct copy of relevant excerpts
19 from the deposition of Karen Bradley, Executive Director of Commercial Strategy at
20 AstraZeneca, taken in this matter on May 15, 2008.

21 6. Attached as Exhibit 5 is a true and correct copy of a document
22 produced by AstraZeneca in discovery in this matter, titled "New Promotional
23 Materials to Support NEXIUM" and Bates labeled as pages AZ B_C000820 – 828.

24 7. Attached as Exhibit 6 is a true and correct copy of a document
25 produced by AstraZeneca in discovery in this matter Bates labeled as pages AZ
26 B_C000944 – 957.

27 8. Attached as Exhibit 7 is a true and correct copy of a document
28 produced by AstraZeneca in discovery in this matter Bates labeled as pages AZ

1 B_C001002 – 1022.

2 9. Attached as Exhibit 8 is a true and correct copy of a document
3 produced by AstraZeneca in discovery in this matter Bates labeled as pages AZ
4 B_C001222 – 1233.

5 10. Attached as Exhibit 9 is a true and correct copy of a document
6 produced by AstraZeneca in discovery in this matter Bates labeled as pages AZ
7 B_C001238 – 1249.

8 11. Attached as Exhibit 10 is a true and correct copy of a document
9 produced by AstraZeneca in discovery in this matter, titled “AstraZeneca PSS Work
10 Expectations” and Bates labeled as pages AZ B_C001336 – 1338.

11 12. Attached as Exhibit 11 is a true and correct copy of a document
12 produced by AstraZeneca in discovery in this matter, titled “Overview of
13 AstraZeneca Business Policies and Regulatory Review” and Bates labeled as pages
14 AZ B_C0001538 – 1544.

15 13. Attached as Exhibit 12 is a true and correct copy of a document
16 produced by AstraZeneca in discovery in this matter Bates labeled as pages AZ
17 B_C004230 – 4231.

18 14. Attached as Exhibit 13 is a true and correct copy of a document
19 produced by AstraZeneca in discovery in this matter Bates labeled as page AZ
20 B_C0018072.

21 15. Attached as Exhibit 14 is a true and correct copy of a document
22 produced by AstraZeneca in discovery in this matter, titled “AstraZeneca Field Sales
23 Incentive Plan” and Bates labeled as pages AZ B_C0001820 – 1838.

24 16. Attached as Exhibit 15 is a true and correct copy of a document
25 produced by AstraZeneca in discovery in this matter, titled “PSS Introduction by
26 DSM to AstraZeneca Business Policies” and Bates labeled as page AZ
27 B_C0001472.

28 17. Attached as Exhibit 16 is a true and correct copy of a document

1 produced by AstraZeneca in discovery in this matter, titled “Gaining Access and
2 Product Promotion” and Bates labeled as pages AZ B_C0002632 – 2673.

3 18. Attached as Exhibit 17 is a true and correct copy of a document
4 produced by AstraZeneca in discovery in this matter, titled “Policy on Promotional
5 Activities” and Bates labeled as page AZ B_C0004202.

6 19. Attached as Exhibit 18 is a true and correct copy of a document
7 produced by AstraZeneca in discovery in this matter, Bates labeled as pages
8 AZ0025072-88.

9 20. Attached as Exhibit 19 is a true and correct copy of a document
10 produced by AstraZeneca in discovery in this matter, titled “Canned Detail –
11 Prilosec v. Prevacid” and Bates labeled as pages AZ0006596-97.

12 21. Attached as Exhibit 20 is a true and correct copy of the declaration of
13 Stephanie Fullerton originally submitted in support of Plaintiff’s Motion for Class
14 Certification.

15 22. Attached as Exhibit 21 is a true and correct copy of the declaration of
16 Linda Armas originally submitted in support of Plaintiff’s Motion for Class
17 Certification.

18 23. Attached as Exhibit 22 is a true and correct copy of the Brief of
19 Plaintiff/Appellant Gina D’Este filed in the Ninth Circuit Court of Appeals with
20 regard to the matter of D’Este v. Bayer Corporation, No. 07-56577.

21 24. Attached as Exhibit 23 is a true and correct copy of the Brief of
22 Plaintiff/Appellant William Barnick filed in the Ninth Circuit Court of Appeals with
23 regard to the matter of Barnick v. Wyeth, No. 07-56684.

24 25. Attached as Exhibit 24 is a true and correct copy of the Brief of
25 Plaintiff/Appellant Roxana Menes filed in the Ninth Circuit Court of Appeals with
26 regard to the matter of Menes v. Roche Laboratories, Inc., No. 08-55286.

27 26. Attached as Exhibit 25 is a true and correct copy of the USA
28 Today/Kaiser Family Foundation/Harvard School of Public Health Survey entitled

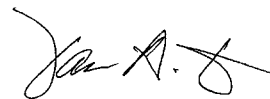
1 “*The Public on Prescription Drugs and Pharmaceutical Companies.*” The survey is
2 available at the website of the Henry J. Kaiser Family Foundation, www.kff.org.

3 27. Attached as Exhibit 26 is a true and correct copy of the declaration of
4 Marc Brody originally submitted in support of Plaintiff’s Motion for Class
5 Certification.

6 I declare under penalty of perjury under the laws of the United States that the
7 foregoing is true and correct.

8 Executed on May 19, 2008 at Dallas, Texas.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Digitally signed by James A. Jones
DN: cn=James A. Jones,
o=Gillespie, Rozen, Watsky, Jones,
ou, email=jaj@grwlawfirm.com,
c=US
Date: 2008.05.19 06:00:14 -05'00'

James A. Jones